



Reprinted
February 26, 2007

SENATE BILL No. 199

DIGEST OF SB 199 (Updated February 26, 2007 3:13 pm - DI 106)

Citations Affected: IC 31-19; IC 35-46; noncode.

Synopsis: Permits a court to waive certain home study requirements otherwise required for an adoption if one of the petitioners is a stepparent or grandparent of the child. Specifies that the court may not waive required criminal history checks. Makes it a Class A misdemeanor for a person to receive a fee in exchange for facilitating a surrogate agreement, and provides that the offense may not be committed by the surrogate, an intended parent, or by a physician who provides medical services to a surrogate or intended parent. Permits a party to a surrogate agreement to seek treble damages in a civil action against a person who facilitates a surrogate agreement. Makes other changes.

Effective: July 1, 2007.

Miller, Bray, Lubbers

January 8, 2007, read first time and referred to Committee on Judiciary.
February 19, 2007, amended, reported favorably — Do Pass.
February 26, 2007, read second time, amended, ordered engrossed.

C
o
p
y

SB 199—LS 6844/DI 104+



Reprinted
February 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 199

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-19-2-7.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 7.3. A court may not waive any criminal history**
4 **check requirements set forth in this chapter.**
- 5 SECTION 2. IC 31-19-8-1, AS AMENDED BY P.L.145-2006,
6 SECTION 248, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2007]: Sec. 1. An adoption may be granted in
8 Indiana only after:
9 (1) the court has heard the evidence; and
10 (2) **except as provided in section 2(c) of this chapter**, a period
11 of supervision, as described in section 2 of this chapter, by a
12 licensed child placing agency or **the** county office of family and
13 children approved for that purpose by the department.
- 14 SECTION 3. IC 31-19-8-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **Except as**
16 **provided in subsection (c)**, the period of supervision required by
17 section 1 of this chapter may be before or after the filing of a petition

SB 199—LS 6844/DI 104+



C
o
p
y

for adoption, or both.

(b) The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

(c) A court hearing a petition for adoption of a child may waive the period of supervision under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the report under section 5(c) of this chapter.

SECTION 4. IC 31-19-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) **Except as provided in subsection (c)**, not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency, each agency **or the county office of family and children** shall submit to the court a written report of ~~and~~ the ~~agency's~~ investigation **and** recommendation as to the advisability of the adoption.

(b) The agency's **or county office of family and children's** report and recommendation:

- (1) shall be filed with the adoption proceedings; and
- (2) become a part of the proceedings.

(c) A court hearing a petition for adoption of a child:

- (1) may waive the report required under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision under section 2(c) of this chapter; and**
- (2) may require the county office of family and children or a child placing agency to:**

- (A) investigate any matter related to an adoption; and**
- (B) report to the court the results of the investigation.**

SECTION 5. IC 31-19-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The agency's **or county office of family and children's** report must, to the extent possible, include the following:

- (1) The former environment and antecedents of the child.
 - (2) The fitness of the child for adoption.
 - (3) Whether the child is classified as hard to place:
 - (A) because of the child's ethnic background, race, color, language, physical, mental, or medical disability, or age; or
 - (B) because the child is a member of a sibling group that should be placed in the same home.
 - (4) The suitability of the proposed home for the child.
- (b) The report may not contain any of the following:
- (1) Information concerning the financial condition of the parents.
 - (2) A recommendation that a request for a subsidy be denied in

C
o
p
y



whole or in part due to the financial condition of the parents.

(c) The criminal history information required under IC 31-19-2-7.5 must accompany the report.

SECTION 6. IC 31-19-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The court shall summarily consider the agency's **or county office of family and children's** report. If the court finds that further investigation or further supervision is necessary, the court shall continue the case to a later date that the court considers advisable for final determination. At that time the court shall determine the case.

SECTION 7. IC 31-19-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The report and recommendation of the agency **or county office of family and children** are not binding on the court but are advisory only.

SECTION 8. IC 35-46-1-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.3. (a) This section does not apply to a:

- (1) person who does not arrange or facilitate a surrogate agreement in exchange for a fee or other consideration, but who assists in a subsequent adoption or parentage action for the child;
- (2) surrogate or an intended parent; or
- (3) physician licensed under IC 25-22.5 who provides medical services to a surrogate or an intended parent.

(b) As used in this section, "surrogate" has the meaning set forth in IC 31-9-2-126.

(c) As used in this section "surrogate agreement" has the meaning set forth in IC 31-9-2-127.

(d) A person who knowingly or intentionally receives a fee or other consideration, directly or indirectly, in exchange for arranging or facilitating a surrogate agreement commits surrogate facilitation, a Class A misdemeanor.

(e) A party to a surrogate agreement may bring a civil action against a person who commits surrogate facilitation under this section, even if the person has not been prosecuted or convicted of the offense. In an action under this subsection, a party may seek an award of the following:

- (1) An amount not to exceed three (3) times the amount that the:
 - (A) person received for arranging or facilitating a surrogate agreement; or
 - (B) surrogate received for acting as a surrogate.

C
o
p
y



1 **(2) The costs of the action.**
2 **(3) Reasonable attorney's fees.**
3 SECTION 9. [EFFECTIVE JULY 1, 2007] **IC 35-46-1-9.3, as**
4 **added by this act, applies only to crimes committed after June 30,**
5 **2007.**

C
O
P
Y



SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Lubbers be added as third author of Senate Bill 199.

MILLER

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 199, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 199 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 199 be amended to read as follows:

Page 3, line 21, delete "or".

Page 3, line 22, delete "." and insert "; or".

Page 3, between lines 22 and 23, begin a new line block indented and insert:

"(3) physician licensed under IC 25-22.5 who provides medical services to a surrogate or an intended parent."

(Reference is to SB 199 as printed February 20, 2007.)

MILLER

C
o
p
y

